



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

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(R-3)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In Reply Refer To: 3HW12

Marvin Riddle
Asbury Graphite Mills, Inc.
134 West River Street
Bethlehem, PA 18015

Dear Mr. Riddle:

The Environmental Protection Agency (EPA) is seeking information concerning a release, or the threat of a release, of hazardous substances into the environment. Pursuant to the authority of Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Section 6927(a), and Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. Section 9604(e), your company is requested to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its officers, employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), which were transported to, or stored, or disposed of at the Novak Sanitary Landfill located along Orefield Road in South Whitehall Township, Lehigh County, Pennsylvania (see enclosed location map).

EPA has information indicating that your company contracted or may have contracted with Valley Disposal Inc. to transport waste materials from your company. EPA also has information suggesting that Valley Disposal Inc. used or may have used the Novak Sanitary Landfill for disposing waste materials.

All information and documents requested are due to the EPA Region III contact named below within ten (10) calendar days of receipt of this letter.

The response should include, but not be limited to, information and documentation concerning:

1. the nature of your business;
2. the types and quantities of hazardous substances sent to the Novak Sanitary Landfill;

201524

3. the date(s) and frequency such substances were sent to the Novak Sanitary Landfill;
4. the state (i.e., liquid, solid, or gaseous) of the substances sent to the Novak Sanitary Landfill, and the manner in which the substances were stored or disposed (i.e., drummed or uncontained, placed in lagoons, landfilled, placed in piles, etc.);
5. the identity of, and all documents relating to, any other person who generated, treated, stored, transported, or disposed, or who arranged for the treatment, storage, disposal, or transportation of such substances at, or by your company;
6. any correspondence between your company and any regulatory agencies regarding such substances;
7. any correspondence between your company and any third party regarding such substances; and
8. copies of any deeds, rights-of-way, leases, or other real interests which your company has in the Novak Sanitary Landfill.

Please describe any documents that were maintained by your company of the transactions with the Novak Sanitary Landfill including the date of the documents, the author of the documents, the current location of the documents and the current custodian, and all efforts that were taken to identify these documents.

In addition to the above information, if your company is privately insured against releases of hazardous wastes or substances as a result of the handling of such materials, please inform us of the existence of such insurance and provide us with copies of all insurance policies.

As used herein, the term "documents" means writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, logs, books of original entry, minutes of meetings, memoranda, notes, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printouts, or other data compilations from which information can be obtained or translated.

You are entitled to assert a claim of business confidentiality covering any part of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a

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claim of business confidentiality will be made available to the public only in accordance with procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless a business confidentiality claim is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

Please send the required information to:

Michael Towle
U.S. Environmental Protection Agency, Region III
PA. CERCLA Remedial Enforcement Section (3HW12)
841 Chestnut Street, 6th Floor
Philadelphia, Pennsylvania 19107

If you have any questions concerning this matter, please contact Michael Towle at (215) 597-3166.

Sincerely,

Bruce P. Smith, Chief
Hazardous Waste Enforcement
Branch

enclosure: location map

cc: James Snyder, Acting Director, PADER

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CONCURRENCES								
YMBOL	3HW12	3HW12	3HW10					
JRNAME	Towle	Crystall	Smith					
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